



ENVIRONMENTAL & REGULATORY SERVICES DIVISION  
BUREAU OF PECFA  
P.O. Box 8044  
Madison, Wisconsin 53708-8044  
TTY: Contact Through Relay

Jim Doyle, Governor  
Richard J. Leinenkugel, Secretary

## Wisconsin Department of Commerce, Bureau of PECFA Bid Document

### SECTION 1 - Scope of Work

The Bureau of PECFA is seeking competitive bids to perform remedial services for a petroleum release from a regulated petroleum product storage tank system. This bid is for a specified work scope. The site upon which bids are being solicited is:

**Bid Round:** 57  
**Comm #:** 54830-9999-97-A  
**BRRTS #:** 03-16-000301  
**Site Name:** Moose Junction Lounge  
**Site Address:** 13195 S State Rd 35, Dairyland, 54830  
**Site Manager:** Chris Saari  
**Address:** 2501 Golf Course Rd  
**City, State Zip:** Ashland, WI 54806-3505  
**Phone:** 715-685-2920  
**e-mail:** [christopher.saari@wisconsin.gov](mailto:christopher.saari@wisconsin.gov)  
**Bid Manager:** David E. Blair  
**Address:** P.O. Box 8044  
**City, State Zip:** Madison, Wisconsin 53708-8044  
**Phone:** (608) 261-2515  
**e-mail:** [David.Blair@Wisconsin.Gov](mailto:David.Blair@Wisconsin.Gov)

<b>Bid-Start Date:</b>	<b>October 13, 2008</b>
<b>Questions must be received by (See Section 2 (B)):</b>	<b>October 27, 2008, 4:00 PM</b>
<b>Responses will be posted by (See Section 2 (B)):</b>	<b>November 14, 2008</b>
<b>Bid-End Date and Time:</b>	<b>November 28, 2008, 4:00 PM</b>

The case file, including report(s) and other pertinent information upon which bids are being sought, are available for review at the Site Manager's location listed above. Please contact the Site Manager for an appointment to review the file.

Copies of report(s) and other pertinent information are available for purchase at the location listed below. If pertinent information is not available, please contact the Site Manager.

**The Copy Shop-Ashland, 310 Stuntz Ave, Ashland, WI 54806**  
**Phone: (715) 682-6567 Fax: (715) 682-6551**

## **SECTION 2 – Site-Specific Bid Requirements**

### **General Comments**

The site is a tavern that formerly had gasoline sales. Soil and groundwater contamination was discovered at the site in October 1990 during a Phase II Environmental Assessment performed for the Department of Transportation (DOT) on the STH 35 right-of-way.

A 1,000-gallon gasoline UST and two pump islands were removed from the site in June 1993, along with approximately 672 cubic yards of contaminated soil. The extent of excavation was limited in both size and depth by the presence of the site building and adjacent roadways. Grossly contaminated soil remained along the southern limits of excavation, adjacent to the intersection of State Highway 35 and Moose Road. Similar contaminant concentrations were detected in a soil sample collected from 4-6 ft below ground surface from the soil boring drilled south of Moose Road to install MW-2.

Site soils consist of fine to medium sand, silty sand and silty clay. A “bedrock ridge” was reportedly encountered in some soil borings at a depth of 10-12 feet below ground surface (ft bgs).

Depth to groundwater ranges between 1 and 3 ft bgs, and flow is to the south. Hydraulic conductivity tests conducted in site monitoring wells determined values ranging from  $2.7 \times 10^{-5}$  and  $4.3 \times 10^{-5}$  cm/sec, with a resultant groundwater flow velocity estimate of approximately 3.6 ft/yr. The site currently has five water table monitoring wells. A petroleum sheen has been observed in MW-2 during past sampling events.

Department of Natural Resources (DNR) staff collected a sample from the drinking water well serving the residence south of the site in October 1992; although individual compounds could not be quantified, hydrocarbons were detected in the sample. The well has been sampled periodically since that time, and occasional contaminant detections have been identified. The well was sampled for volatile organic compounds (VOC) three times in 2007, and in September 2008. The April 2007 sample detected 15.8 micrograms per liter of benzene, exceeding the Maximum Contaminant Limit (MCL) of 5 micrograms per liter, as well as low concentrations of ethylbenzene, toluene and trimethylbenzenes. The May and October 2007 and September 2008 samples did not detect any MCL exceedances.

### **Minimum Remedial Requirements**

Implement a remedial action through injection of an in situ chemical treatment to address the residual soil and groundwater contamination. The target zones for remedial injection include the area between the northern side of Moose Road and MW-2, and the area between MW-2 and the drinking water well serving the Swenson residence. Note: Due to the fine-grained nature of the site soil, DNR and Commerce reviewers do not believe that simple addition of slow-release oxygen compounds will be adequate to address the residual contamination.

Bidders should be aware that remedial injection activities must receive prior approval from DNR in the form of an exemption to the requirements of s. NR 140.28, Wis. Adm. Code, and that such approval is a fee-based review under s. NR 749.04, Wis. Adm. Code. The review fee for an injection approval is \$500 and is not a PECFA-reimbursable expense. In addition, the responsible party must obtain coverage under a Wisconsin Pollutant Discharge Elimination System (WPDES) general remediation permit as part of the approval of the remedial injection activities.

Bid responses shall contain enough detail of the proposed remedial action to allow the bid reviewers to determine if the bid response will meet the minimum remedial requirements. Such detail shall include injection product information and case study examples, proposed injection locations and depths, and number of injection rounds if proposing a multi-phase injection approach. Those bid responses determined to lack sufficient detail will be deemed non-compliant.

Install a monitoring well/piezometer nest midway between MW-2 and the drinking water well serving the Swenson residence to better define the extent of groundwater contamination. The new monitoring well shall be labeled MW-6, and the piezometer PZ-1. Bidders should anticipate installing the monitoring well to an approximate depth of 15 ft below ground surface, and the piezometer to an approximate depth of 30 ft below ground surface. It is possible that bedrock might be encountered at a depth less than 30 ft below ground surface; in that event, the winning bidder shall contact the DNR project manager for guidance on whether to install the piezometer at a shallower depth or to delete the piezometer installation from the scope of work.

Commencing after installation of the new well nest and the start of remedial actions, conduct eight (8) rounds of groundwater sampling of the monitoring well network. Samples shall be collected from MW-2, MW-4, MW-5, MW-6 and PZ-1 on a quarterly basis, while MW-1 and MW-3 shall be sampled on an annual basis. The groundwater samples shall be analyzed for petroleum volatile organic compounds plus naphthalene. Groundwater elevation measurements shall be collected from all wells during each sampling event. Sampling shall be continued throughout the remedial action operations period. Modifications to the groundwater monitoring schedule can only be implemented with prior approval of the DNR project manager and may need to be accompanied by a corresponding modification to the cost cap.

Collect samples from the on-site drinking water well and the drinking water well serving the Swenson residence. The samples shall be collected during each quarterly groundwater sampling event, and shall be analyzed for VOC using EPA Method 524.2. The sample results shall be reported to the DNR within 10 days of receipt. Modifications to the drinking water well monitoring schedule can only be implemented with prior approval of the DNR project manager and may need to be accompanied by a corresponding modification to the cost cap.

Following installation of the well nest described above, create a revised detailed site map that meets the visual aid requirements of s. NR 716.15(2)(h), Wis. Adm. Code. The map shall be to an appropriate scale, and must show the location of all buildings, site features and monitoring wells, along with complete property boundaries for each parcel located within or partially within the limits of groundwater contamination. This map shall serve as the base map for future groundwater flow direction maps.

Submit a remedial action report following completion of injection activities, fully documenting the remedial action. The report shall include a map showing injection locations, tabulated injection volumes and other pertinent details.

A second report shall be submitted following completion of the final groundwater monitoring event, documenting the results of post-injection soil and groundwater sampling. This report shall include groundwater flow maps specific to each sampling event, iso-concentration maps of residual soil and groundwater contamination, and a completed Groundwater Monitoring Well Information Form (Form 4400-89) available at [http://www.dnr.state.wi.us/org/water/dwg/gw/forms/4400\\_89.pdf](http://www.dnr.state.wi.us/org/water/dwg/gw/forms/4400_89.pdf).

### **SECTION 3 - Reporting Timeframes**

Within *60 days* of the Commerce notification of the maximum reimbursement amount, the responsible party (RP) must execute a written contract with one of the firms that submitted a bid. Failure to execute the written contract within this time will result in ineligibility of interest expenses incurred from the date of the reimbursement cap letter until a contract is executed and work commences at the site. Work must commence within *45 days* of signing a contract. There are specific reporting requirements in Comm 47.70 to monitor the progress of activities at each bid site and there may be additional reporting requirements outlined above. The consulting firm that is contracted to complete the scope of work is required to report the progress of this site to Commerce electronically on the web site at each of the following points:

1. Within fourteen days of executing or terminating a contract with the RP.
2. Three months after entering into the contract with the RP.
3. Twelve months after beginning the work in the successful bid, unless the project is completed before that time (point 6 applies).
4. Twelve months after submitting the previous report (point 3), unless the project is completed before that time (point 6 applies).
5. No later than 10 days after encountering a change in circumstances (the list of circumstances is in Comm 47.70 (3)).
6. No later than 30 days after completing the work.
7. As directed by Commerce.

If Commerce determines that the consulting firm is failing to make adequate progress to complete the scope of work, Commerce will notify the RP and may reduce the reimbursement to accurately reflect the work completed.

#### **Claim Submittal**

A claim must be submitted to Commerce within 120 days of submitting the report described in *Reporting Timeframe, point #6*. If a claim is not submitted by the deadline described above, interest costs from the date the report (point #6) is submitted to the date the claim is received will not be reimbursed to the claimant. The claim preparation cost must be included in the Total Bid Amount and is considered within the reimbursement cap.

#### **Questions and Answers**

Questions, answers and interpretations will be considered an amendment of this solicitation. All questions must be submitted in writing (fax and electronic mail submittals are acceptable) to the Bid Manager identified in Section 1 of this solicitation. All answers and interpretations shall be in writing from the Bid Manager. Neither the PECFA program nor Commerce shall be legally bound by any amendments or interpretations that are not in writing. Bidders are not to contact other personnel located within the Department of Commerce/Bureau of PECFA concerning the site or the bid solicitation between the Bid Announcement Date and Bid End Date. No further questions will be addressed after the deadline for submitting questions identified in Section 1.

## **SECTION 4 - Conditions of Bid**

The successful bidder will be the entity that complies with all provisions of the bid and provides the lowest total cost, excluding interest, for the site-specific bid requirements described in Section 2. In preparing the bid, the bidder must assume compliance with all applicable codes, including, but not limited to, §Comm 46, §Comm 47, and §NR 700 Wis. Admin. Codes.

The bid Commerce selects to determine the least costly method of remedial action will be the least costly qualified bid. Commerce will rank the bids solely on the basis of cost. Evaluation of bids will continue until the least costly qualified bid is identified. Submittals from an individual or firm during their period of disqualification from bidding, submittals received late and for submittals without a certified commitment (performance assurance and/or signature) will not be considered as bids. Commerce may disqualify a bid for the following reasons:

- Requirements of the bid specifications have not been met.
- The remedial strategy is not appropriate to the geologic setting.
- A Total Bid Amount is insufficient to fund the activities described in the bid specifications.

Commerce reserves the right to reject any and all bids.

Any proposed technology or methods used in the remediation must be allowed for use in the State of Wisconsin and approvable by the agency with jurisdiction (Natural Resources or Commerce).

The bidder Commerce intends to select may be required to provide input to and attend a meeting with the PECFA program and the claimant to explain the bid and remedial approach.

If a bid is disqualified, Commerce will provide written notification to any individual or firm that submitted a disqualified bid. The notification shall specify the reasons for the disqualification, and inform the individual or firm of their right to protest or appeal the decision. If a bid is more costly than the bid Commerce intends to select, the bid will not be reviewed.

The *Notice of Intent* will identify the least costly bid, disqualified bid(s) and bid(s) not reviewed. The *Notice of Intent* will be sent to the RP and will be posted on PECFA's Internet Web site.

## **SECTION 5 - Instructions to Bidders**

Between the bid start and end dates, bidders shall not discuss or attempt to negotiate any aspects of the bid with the RP, other potential bidders or program staff without prior approval of the Bid Manager identified in Section 1. Infractions will result in rejection of the violator's bid and may result in a formal complaint being filed with the Department of Regulation and Licensing.

If access to the site is necessary for the preparation of a bid, access shall be arranged through the Bid Manager. If the Bid Manager is not able to arrange site access, this will not delay the bid process nor negate the comparison and selection from among the bids submitted. All costs associated with a site visit or preparation of a bid will be the bidder's responsibility.

The Bidding Process must conform to the following:

1. The Bid Response shall address all the site-specific bid requirements identified in Section 2.
2. The total bid amount to accomplish the stated goal must include all fees, reporting costs, pre- and post-closure costs and costs for establishing restrictions or institutional controls, when applicable (interest costs are excluded).
3. The submittal must include a copy of the Bid Response document signed by a Professional Engineer, Professional Geologist, Hydrologist or Soil Scientist licensed by the State of Wisconsin. The appropriate registration number of the professional license must be included. Registration requirements are listed in Comm 5.
4. Bids *cannot* be faxed or sent electronically (email) to the program. Documents received by fax or email will not be considered.
5. Bids, amendments thereto or withdrawal requests must be received by 4 pm on the bid end date.
6. The consulting firm's name must be included and all pages of the Bid Response.
7. All costs must be printed (ink, typewritten or computer). Errors must be crossed out, corrections entered and initialed by the person signing the bid. Correction fluid is not allowed. No bid shall be altered or amended after the time specified for the bid end date.
8. Each bidder shall fully acquaint themselves with conditions relating to the scope and restrictions attending to the execution of the work under the conditions of this bid. The failure of a bidder to acquaint themselves with existing documented conditions shall in no way relieve any obligation with respect to this bid.
9. All amendments to and interpretations of this bid shall be in writing from the Bid Manager. Neither Commerce nor the program shall be legally bound by any amendment or interpretation that is not in writing.
10. This bid is intended to promote competition. If the language, specifications, terms and conditions, or any combination thereof restricts or limits the requirements in this bid to a single source, it shall be the responsibility of the interested bidders to notify the program in writing so as to be received five days prior to the opening date. The bid may or may not be changed; however a review of such notification will be made prior to award.

## **SECTION 6 - Bidder Disqualification**

Commerce may disqualify from public bidding any individual or firm that has committed any of the following (Comm 47.67 (1) (a)):

1. Failed to complete the scope of work within the reimbursement cost cap established through public bidding.
2. Failed to complete the scope of work in a bid in a timely manner.
3. Failed to follow DNR rules on the bid project.
4. Received one or more notices from Commerce under s. Comm 47.62 (2) that assess the financial management of an investigation as unacceptable.
5. In any prior occurrence that has been publicly bid, failed to do either of the following:

- a. Pay subcontractors after receiving payment for them.
  - b. Obtain lien waivers on or before the date of the final payment by the RP or the PECFA program, from all subcontractors paid under subd. 5. a.
- 6. Failed to execute a contract with the RP as required in s. Comm 47.69 (1).
  - 7. Failed to commence work within 45 days after executing a contract, as required in s. Comm 47.69 (3).

Commerce may disqualify any individual or firm from performing further work on a project if the individual or firm has not completed any of the six reporting points required in Comm 47.70 and outlined in Section 2 of this bid document. Commerce will review and address the issue as stated in Comm 47.70 (4).

## BID RESPONSE

(1<sup>st</sup> Page)

Department of Commerce PECFA Program

**SITE NAME: Moose Junction Lounge**

**COMMERCE #: 54830-9999-97**

**BRRTS #: 03-16-000301**

Submit Bid Response To: Cathy Voges  
Public Bid Response  
Department of Commerce PECFA Bureau  
201 W Washington Ave, Madison WI 53703-2760 or  
PO Box 8044, Madison WI 53708-8044

Consulting Firm Name: \_\_\_\_\_

Complete Mailing \_\_\_\_\_

Address: \_\_\_\_\_

Telephone: (     ) - \_\_\_\_\_

Fax Number: (     ) - \_\_\_\_\_

E-mail Address: \_\_\_\_\_

Bidder (check one that applies):

<input type="checkbox"/>	Professional Engineer	License #	_____
<input type="checkbox"/>	Professional Geologist	License #	_____
<input type="checkbox"/>	Hydrologist	License #	_____
<input type="checkbox"/>	Soil Scientist	License #	_____

Total Bid Amount: \$ \_\_\_\_\_

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

I certify that I have the authority to commit my organization or firm to the performance of the bid I have submitted.

Signature: \_\_\_\_\_

Personal information you provide may be used for secondary purposes [Privacy Law, s. 15.04(1)(m)].



## BID RESPONSE

(2<sup>nd</sup> Page)

Department of Commerce PECFA Program

**SITE NAME: Moose Junction Lounge**

**COMMERCE #: 54830-9999-97**

**BRRTS #: 03-16-000301**

**Consulting Firm Name:** \_\_\_\_\_

A bid will be considered non-compliant if the bid response does not include a separate tabulation of costs for each activity.

1	Remedial action - in situ chemical treatment	\$	
2	WPDES permit + NR 140.28 exemption (DNR review fee not PECFA eligible - do not include)	\$	
3	Installation MW-6, PZ-1	\$	
4	Mob/demobs for 8 GW sampling events	\$	
5	Collect samples from 44 monitoring wells	\$	
6	44 PVOC+N analyses + QA/QC	\$	
7	Collect 16 potable well samples (2 wells x 8 events)	\$	
8	16 VOC analyses + QA/QC	\$	
9	8 reports on potable well sampling results	\$	
10	Detailed site map	\$	
11	Remedial action report – following completion of injection activities	\$	
12	Final report	\$	
13	Other items not captured above	\$	
14	PECFA Claim Preparation	\$	
15	<b>Total Bid Amount</b>	<b>\$</b>	

**BID RESPONSE**

**(3<sup>rd</sup> Page)**

Department of Commerce PECFA Program

**SITE NAME: Moose Junction Lounge**

**COMMERCE #: 54830-9999-97**

**BRRTS #: 03-16-000301**

**Consulting Firm Name:** \_\_\_\_\_

**Bid responses shall contain enough detail of the proposed remedial action to allow the bid reviewers to determine if the bid response will meet the minimum remedial requirements. Such detail shall include injection product information and case study examples, proposed injection locations and depths, and number of injection rounds if proposing a multi-phase injection approach. Attach additional pages if necessary. *The Commerce Number and Consulting Firm name must be included on all additional pages.* The pages of each Bid Response must be *stapled* together. No paper clips or spiral bindings please.**